

REMARKS

Applicants thank the Examiner for the through consideration given the present application. Claims 1-16 and 21-22 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

At the outset, it is respectfully requested that the present Amendment should be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance. In the alternative, if the Examiner does not agree that the application is in condition for allowance, it is respectfully requested that the present Amendment should be entered for the purposes of appeal. The amendment to claim 1 does not involve any additional material to be considered, but is instead merely an indication of the function of the core and sheath and material of the sheath.

Rejection Under 35 U.S.C. § 102

Claims 1, 4-12 and 16 stand rejected under 35 U.S.C. § 102 as being anticipated by Otto (DE 3403281). This rejection is respectfully traversed.

The Examiner states that this reference shows a cylindrical filter and core 14, a sheath 22 with passages circumferentially spaced around the core, perforations 26 with grooves provided by a corrugated wrapper 20. Applicants further note that the core 14 is smaller in

diameter than another filter 12 which is in contact with the tobacco 11 of the cigarette. Apparently, the difference in diameter of the two filters corresponds to the radial thickness of the corrugated wrapper 20 so that the outer filter assembly including the passages has the same diameter as the inner filter. This allows wrapping paper 22 and tipping paper 24 to be smoothly wrapped over the filters.

In regard to Applicants' previous arguments that the paper wrapper 22 cannot be considered a sheath, the Examiner has stated that he believes the dictionary definition of a sheath is met. Apparently the Examiner especially refers to definition 3 "to enclose with a protective covering; encase." It is noted that the definition given is for the verb rather than the noun form of sheath. Thus, a more proper definition would be the protective covering itself rather than the action of enclosing. However, even if a sheath is formed, as suggested by the Examiner, the reference still does not show a sheath for filtering tobacco smoke and made of filtering material. This limitation has been amended to emphasize the function of the sheath.

Accordingly, claim 1 now describes a filter for a cigarette having a combination of elements, including a filtering core, a sheath for filtering tobacco smoke and made of filtering material, passages between the core and the sheath where the passages are spaced circumferentially around the core and extend between the two ends of the assembly and a tipping paper surrounding the sheath. Applicants submit that the Otto reference does not show this combination of features described in claim 1. In particular, the reference does not show a sheath made of filtering material for filtering tobacco smoke as presently described. The wrapping paper 22 of Otto is not made of filtering material and is not used to filter tobacco

smoke from the cigarette. Accordingly, Applicants submit that claim 1 is allowable since this reference does not teach the combination of elements described therein.

Claims 2-16 and 21-22 depend from claim 1 and as such are also considered to be allowable. In addition, many of these claims recite other features which in combination with the combination recited in claim 1, make these claims further allowable.

Rejection Under 35 U.S.C. § 103

Claims 2, 3, 14, 15 and 21 stand rejected under 35 U.S.C. § 103 as being obvious over Otto. This rejection is respectfully traversed.

As indicated above, these claims depend from allowable claim 1, and as such are also considered to be allowable. Applicants furthermore submit that the particular parameters indicated would not have been obvious as suggested by the Examiner.

Claims 13 and 22 stand rejected under 35 U.S.C. § 103 as being obvious over Otto in view of Gonterman (U.S. Patent No. 4,649,943). This rejection is respectfully traversed.

The Examiner states that the Gonterman reference teaches having perforations at the corrugated wrapper. Even if the Examiner is correct in this statement, Applicants submit that the combination of the two references do not meet the terms of claim 1 as discussed above. Accordingly, claims 13 and 22 which depend from claim 1 are likewise considered to be allowable.

No Prosecution History Estoppel

Claim 1 is hereby presented in independent form. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claim 1 and the claims that depend therefrom in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

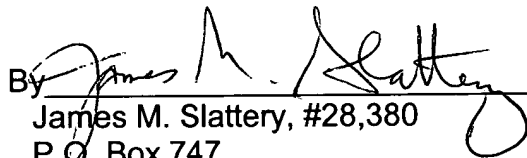
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery, #28,380
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 has been amended as follows:

1. (Three Times Amended) A filter for a cigarette, comprising an assembly of:
a cylindrical [filtering] core for filtering tobacco smoke from the cigarette;
a tubular [filtering] sheath made of filtering material for filtering tobacco smoke from the cigarette, said tubular sheath surrounding said core, and provided between said core and said sheath are passages,
wherein said passages are spaced circumferentially around said core and extending continuously between open ends at the two ends of the assembly; and[:]
a tipping paper circumferentially surrounding said sheath.